

HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

NATIONAL ASSOCIATION OF
REALTORS,

Plaintiff,

v.

DATA DISTRIBUTION
TECHNOLOGIES, LLC.

Defendants.

CASE NO. C16-851RAJ

ORDER

The Court is in receipt of Plaintiff National Association of Realtors' ("Plaintiff") *Ex Parte* Notice of Statutory Automatic Stay. Dkt. # 2. Through that notice, Plaintiff informs this Court that the patent at issue – United States Patent No. 6,529,908 (the “‘908 Patent”) – is the subject of pending *inter partes* review No. 2016-01075 filed on May 19, 2016.

35 U.S.C. § 315(a)(2) provides that for an “**Infringer's civil action**”:

(2) Stay of civil action.--If the petitioner or real party in interest files a civil action challenging the validity of a claim of the patent on or after the date on which the petitioner files a petition for inter partes review of the patent, *that civil action shall be automatically stayed* until either--

(A) the patent owner moves the court to lift the stay;

(B) the patent owner files a civil action or counterclaim alleging that the petitioner or real party in interest has infringed the patent; or

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1 (C) the petitioner or real party in interest moves the court to dismiss the civil
2 action.

3 (emphasis added).

4 Plaintiff's suit challenges the validity of the '908 Patent. *See* Compl. ¶¶ 175-179.
5 It was filed on June 8, 2016, after the filing of the *inter partes* review petition. As such,
6 this case is subject to an automatic stay. The Court therefore **STAYS** this case until such
7 time that the patent owner (or real party in interest) takes any of the actions specified in
8 35 U.S.C. § 315(a)(2) or the *inter partes* review concludes. During the stay, Plaintiff is
9 **ORDERED** to file a status report with this Court informing it of the status of the *inter*
10 *partes* review proceedings. Plaintiff is also directed – should Defendant choose not to
11 take any of the actions specified in 35 U.S.C. § 315(a)(2) – to file a joint status report
12 with Defendant within **twenty (20) days** of the final exhaustion of the pending *inter*
13 *partes* review proceedings, including any appeals, indicating that all appeals have been
14 exhausted, requesting that this matter be reopened, and proposing a schedule in line with
15 the Court's Standing Patent Order.

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17 DATED this 22nd day of June, 2016.

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21 The Honorable Richard A. Jones
22 United States District Judge
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